

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Higher Education Department – V.R. Law College, Nellore - Contempt Case No. 748/2004 in W.P.No.4009 of 2000 and W.P.No.7284 of 2002- Implementation of the orders of Hon'ble High Court of Andhra Pradesh, dt.23.09.2003 in W.P.No.4009 of 2000 and W.P.No.7284 of 2002 filed by Sri K.Shyam Prasad & Six other Lectures of V.R.Law College, Nellore – orders – Issued.

**HIGHER EDUCATION (UE.II) DEPARTMENT**

G.O.Rt.No. 620

Dated.21.08.2012.  
Read the following;

1. G.O.Ms.No.485, Education (I) Dept., dt.19.6.1980.
2. Hon'ble High Court orders dt.13.8.1999 in WP No.20478/96
3. G.O.Ms.No.113, HE Dept., dt.31.10.2001.
4. The Hon'ble High Court orders in W.P.Nos.4009/2000 and 7284/2002, dt.23.9.2003
5. Hon'ble Supreme Court of India orders in SLP (Civil) in Nos. 21387 - 21388/2004, dated:20.03.2007.
6. G.O.Ms.No.212, Higher Edn.(UE.II) Dept., dated.14.11.2007.
7. Hon'ble Supreme Court of India final orders in SLP (Civil) in Nos. 21387 - 21388/2004, dated:21.10.2011.
8. The Hon'ble High Court of A.P., orders in C.C.No.748 of 2004, dated:22.03.2012.
9. Govt.Memo.No.5478/UE.II/2012-31, dated.08.06.2012.
- 10 From the Commissioner of Collegiate Education, AP., Hyderabad, Lr.Rc.No.517/Admn III-2/2002, dated.14.08.2012.

\*\*\*\*

**ORDER:**

In the G.O. first read above, the V.R. Law College, Nellore was admitted to grant-in-aid w.e.f. 1.4.1980 and Grant-in-aid was released up to 1984-85. However, the same was stopped after 1984-85 on the ground that the college had attained self sufficiency and the fee income realized from the students being more than the expenditure.

2. In the reference second read above, aggrieved by the action of the Government, certain staff members of VR Law College, Nellore have filed W.P. in the High Court of A.P. The Hon'ble High Court in its orders dt.13.8.1999 in WP No.20478/96 had directed the Government to release necessary aid to meet the salaries of the petitioners from February, 1999 onwards and continue to release the same until the G.O.Ms.No.485, dt.19.6.1980 is in operation. However, if the Government feel that the management has attained the status of self-sufficiency, it is open for the Govt., to withhold the Grant-in-aid.

3. In pursuance of the above, a notice was issued to the Secretary and Correspondent, V.R. Law College, Nellore and he has represented that they are not in need of Grant-in-aid from the Government and thereafter, vide G.O. 3<sup>rd</sup> read above, Government have withdrawn the Grant-in-aid to V.R.Law College w.e.f. 1.4.1985.

4 Aggrieved by the said orders, the teaching staff of the V.R. Law College have filed W.P.Nos.4009/2000 and 7284/2002 and the Hon'ble High Court in its orders dt.23.9.2003 held that the orders passed by the Government in G.O.Ms.No.113 are not sustainable in law and set aside the same and directed the Government to release the grant-in-aid to the said Law College to meet the salaries and other allowances on par with all other similarly situated lecturers working in Govt. Colleges.

5. Government have carried the matter to the Hon'ble Supreme Court by filing SLP (Civil) in Nos. 21387 - 21388/2004. When the matter stood thus, the teaching staff of V.R. Law College has filed Contempt Case in Hon'ble High Court, vide CC.No.748/2004 in WP.No.4009/2000 and 7284/2002. As the case was pending in Hon'ble Supreme Court, Government have filed necessary counter affidavit in the Contempt Case. The Hon'ble supreme Court of India in its interim orders dt:20.03.2007 has directed as follows:-

*"We grant liberty to the Managing Committee of the College to approach the State Government by making an application for release of the Grant-in-Aid to the College. If such an application is filed before the State Government with in a period of one month from this date, the same may be decided by the State Government after giving hearing to all the interested parties within two months from the date of making such application and the decision of the State Govt. shall be placed before the Court as soon as the decision is made to the State Government either by the Managing Committee of the college or by the State Government itself".*

6. In pursuance of the interim direction dt.20.3.2007 of Hon'ble Supreme Court, the Secretary & Correspondent and staff of V.R. Law College, Nellore, have made applications for restoration of grant-in-aid to the College. The College management as well as the writ petitioners before the Hon'ble High Court, have been given an opportunity to represent their case in the personal hearing. The college management has not attended the meeting. However, the management represented the Government to support the Institutions for release of Grant-in-aid. The V.R. Colleges & High School Committee, Nellore has resolved to mention that V.R. Colleges & High School Committee has implemented UGC Scales of pay 1986 to the teaching staff of V.R. Law College, Nellore and they continue to pay the same, out of the finances received through student fee.

7. Government after examination of the matter, felt it would be responsibility of the College Management to pay the arrears dues in respect of these staff, since the public exchequer cannot be made to bear this burden which has accrued over the past 12 years and which has arisen on account of the management not organizing the finances of the college on sound lines after it gave a written undertaking to do so in 1985. Further, restoration of Grant-in-aid to the college for bearing salaries of the petitioner teaching staff after more than 22 long years (stopped in 1985) would virtually amount to fresh admission of posts into Grants-in-aid while the present policy of the Government, as spelt out in G.O.Ms.No.35, HE(CE.II) Department. dt.3.10.2001, is not to fill up any vacant aided posts in Private Aided Junior/Degree Colleges and Polytechnics through direct recruitment, except in respect of SC/ST backlog vacancies.

8. In the G.O sixth read above, Government have rejected the request of management of the V.R. Law College, Nellore for release of Grant-in-aid for payment of salaries of the teaching staff. A compliance report has also been submitted to the Hon'ble Supreme Court in this regard.

9. The Hon'ble Supreme Court of India, New Delhi in Special leave to Appeal (c) Nos. 21387/21388/2004 filed by the State Government of Andhra Pradesh against the orders of High Court of A.P. dated:23.09.2003 in W.P.No.4009/2000, and in W.P.No.7284/2002 passed the following final order on 21.10.2011:-

*"In the facts and circumstances of this case, we are not inclined to interfere in these matters. The Special Leave Petitions are dismissed. However, this may not be treated as a precedent."*

10. Further, the Division bench of Hon'ble High Court of A.P., in C.C.No.748 of 2004 in W.P.No.4009 of 2000 and W.P.No.7284 of 2002 filed by Sri K.Shyam Prasad and 6 others in its order dated:22.03.2012 has made the orders and some observations and they are extracted below:-

*"This contempt case is filed alleging that the respondents wilfully and deliberately violated the order dated:23.09.2003 passed by this court in WP.No.4009 of 2000, wherein this Court disposed of W.P.No.4009 of 2000 and 7284 of 2002 by observing as follows:*

*In those circumstances, we are of the view that the order passed by the Government in G.O.Ms.No.113 is not sustainable in law. The same is accordingly set aside. The Government is directed to release the Grant-In-Aid to the 3<sup>rd</sup> respondent law College to meet the salaries and other allowances on par with all other similarly situated Lectures working in Government Degree Colleges. If the management has already paid certain amounts, the same shall be excluded and the balance shall be paid to the petitioners and other teaching staff. This exercise shall be done within a period of two months from the date of receipt of a copy of this order.*

*It is also made clear that if the institution is not running on proper lines and contrary to the provision of the Education Act, it is always open for the Government to initiate action for taking over of the institution in accordance with the provisions of the said Act.*

*The Writ Petitions is accordingly disposed of. No costs"*

*Aggrieved by the said Common order, the State of Andhra Pradesh filed petitions for special leave to Appeal ( c ) Nos. 21387-21388/2004 and the same were dismissed by their Lordships holding that in the facts and circumstances of the case, they are not inclined to interfere with the matter.*

*After dismissal of the Special Leave Petitions, the petitioners made a representation dated: 08.11.2011 to respondents 1 and 2 requesting to comply with the order of this Court. But, so far, the respondents have not complied with the same.*

11. After careful examination of the entire matter, Government have decided to implement the orders of the Hon'ble High Court dated 23-09-2003 in W.P.No.4009/2000 and W.P.No.7284/2002, to meet the salaries and other allowances of the petitioners on par with all other similarly situated lecturers working in Govt. Colleges in accordance with the said orders of Hon'ble High Court of Andhra Pradesh.
12. The Commissioner of Collegiate Education, A.P. Hyderabad shall take necessary action accordingly.
13. This order issues with the concurrence of Finance (Expr.HE) Department vide their U.O.No.7015/707/Expr.HE/12, dated.18.08.2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.G. GOPAL  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Collegiate Education, A.P., Hyderabad.  
The Secretary and Correspondent, V.R. Law College, Nellore.  
The Secretary, A.P. State Council of Higher Education, Hyderabad  
The Regional Joint Director of Collegeate Education, Guntur, AP., Hyderabad.

Copy to :

The Additional Advocate General, High Court of AP, Hyd  
The G.P. for Higher Education, High Court of AP, Hyderabad  
The P.S. to Dy.CM  
P.S to Prl.Secretary to Government, HE Deptt  
Finance (Expr.HE) Department  
Finance (BG-VI) Department  
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER.